

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In Re:

Theresa Pearson

Debtor(s)

Theresa Pearson

v.

**Katherine Drisko
Defendant**

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Chapter 7

Case No. 20-10424-BAH

Adv. Pro. No. 20-01024-BAH

Hearing Date: December 9, 2020

Hearing Time: 1:30 p.m. (Eastern Time)

Objection Deadline: December 2, 2020

MOTION TO APPROVE SETTLEMENT OF HOMESTEAD CLAIM OF DEBTOR

Theresa Pearson, Chapter 7 Debtor (“Debtor”) and Katherine Drisko (“Drisko”) move pursuant to 11 U.S.C. §105 for approval of the settlement they have reached regarding Debtor’s homestead, as follows:

1. Debtor filed a Chapter 7 Petition on April 18, 2020. (the “Petition Date”).
2. As of the Petition Date Debtor owned ½ of her residence located 848 Rollins Road, Hopkinton, NH. (the “Residence”)
3. The Residence is encumbered by an \$81,000 mortgage in favor of Drisko on the Petition Date.
4. Drisko claimed the balance of the mortgage included not only the \$81,000 piece but advances she made on the first/bank mortgage on the property to retire it of over \$320,000.00. (the “Advance Payments”).

5. Debtor disputes the right of Drisko to charge her second mortgage with the Advance Payments.

6. Debtor owns ½ of the Residence¹. Drisko owns the other half. The Residence is worth no more than \$340,000.00, and probably less. This means that Debtor's ½ interest is worth no more than \$170,000.00 with the \$81,000 mortgage and Debtor's homestead interest of \$120,000.00, there is no equity in Debtor's portion of the house even if the dispute regarding the Additional Payments is resolved 100% in Debtor's favor.

7. The parties reached an agreement which is attached as Exhibit A.

8. The agreement has no impact on the Trustee or other creditors or interested parties because the Residence is fully or over encumbered by secured claims and the Debtor's homestead exemption.

9. The Agreement is fair and reasonable under the circumstances.

WHEREFORE, the parties respectfully request this Court:

A. Grant this motion; and

B. Order such other relief as the Court deems just and equitable.

¹ Drisko is Debtor's ex mother-in-law. Drisko obtained title to the other ½ interest in the Residence from her son.

Respectfully Submitted,

Theresa Pearson, Plaintiff
By and Through Her Attorneys
Notinger Law, PLLC

Date: October 29, 2020

/s/ Steven M. Notinger
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Katherine Drisko, Defendant
By and through Her Attorneys,
Davis / Hunt Law, PLLC

Date: October 29, 2020

By: /s/ Brad Davis
Brad Davis (BNH #06836)
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Certificate of Service

I hereby certify that I have on this date served the foregoing document upon the parties registered to receive electronic notice in this matter via CM/ECF.

Via CM/ECF

20-10424-BAH Notice will be electronically mailed to:

Brad C. Davis on behalf of Creditor Katherine Drisko
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Brad C. Davis on behalf of Defendant Katherine Drisko
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Dated: October 29, 2020

By: /s/ Steven M. Notinger
Steven M. Notinger, Esq. (BNH #03229)